

ASSEMBLY BILL

No. 1967

Introduced by Assembly Member Beth Gaines

February 12, 2016

An act to add Section 65863.14 to the Government Code, relating to zoning ordinances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1967, as introduced, Beth Gaines. Local planning: prohibition: mental health facility.

The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities.

Existing law, the Lanterman-Petris-Short Act, provides for the involuntary commitment and treatment of persons with specified mental disorders for the protection of the persons so committed. Under the act, when a person, as a result of mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, he or she may, upon probable cause, be taken into custody by a peace officer, member of the attending staff of an evaluation facility, designated members of a mobile crisis team, or other designated professional person, and placed in a facility designated by the county and approved by the State Department of Social Services as a facility for 72-hour treatment and evaluation.

This bill, on and after January 1, 2017, would prohibit the legislative body of a city, county, or city and county from adopting an ordinance for the construction or operation of a health facility, as defined, within

2000 feet of a school or childcare facility, as described, if that facility is designated to accept patients taken into custody for 72-hour treatment and evaluation pursuant to the above-described involuntary commitment provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65863.14 is added to the Government
2 Code, to read:
3 65863.14. On and after January 1, 2017, the legislative body
4 of a city, county, or city and county shall not adopt an ordinance
5 for the construction or operation of a health facility, as defined in
6 subdivision (b) of Section 1250 of the Health and Safety Code,
7 within 2000 feet of a school or day care center licensed pursuant
8 to Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5
9 (commencing with Section 1596.90), or Chapter 3.6 (commencing
10 with Section 1597.30) of Division 2 of the Health and Safety Code
11 if that facility is designated to accept patients taken into custody
12 pursuant to Section 5150 of the Welfare and Institutions Code.